



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,457	03/23/2001	Richard James Salisbury	7406-2	5170

7590 10/01/2003

Thomas Q Henry
Woodard Emhardt Naughton Moriarty & McNett
111 Monument Circle
3700 Bank One Tower Suite 3700
Indianapolis, IN 46204

EXAMINER

LECHERT JR, STEPHEN J

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,457

Applicant(s)

SALISBURY, RICHARD JAMES

Examiner

Stephen J. Lechert Jr.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1732

DETAILED ACTION

1. Applicant should claim benefit of his 371 of PCT/GB99/02420 filed August 6, 1999 on the first line, first page of the specification. Correction is required.

2. The disclosure is objected to because of the following informalities:

Applicant had no Brief Description of the Drawings heading or Brief Description of the Drawings. A brief description of all of the figures is required. Appropriate correction is required.

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. An abstract on a single sheet of paper following the claims in a single paragraph no more than 150 words which describes the claimed invention is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 1732

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Shisko.

Shisko teaches making a lignocellulosic product comprising a phenol formaldehyde resin wherein the resin includes maleic acid or anhydride when it is cured. With respect to the ranges of percent of maleic acid or anhydride note Column 1, line 46. With to the wax additive column 1, lines 57 and Column 10. With respect to the pH of the resin, it would be an inherent property of the resin used and taught in Shisko.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Symons'795.

Symons '795 teaches a lignocellulosic product including a resin which includes maleic anhydride. The maleic anhydride is mixed with the phenolformaldehyde resin prior to curing the lignocellulosic product. The maleic anhydride is in the amount of .25% to 35% which overlaps applicant's claimed range. The amount of resin in the product is 1.5%-60% of the product which also overlaps applicant's claimed range. [Note claim 2 and 3] With respect wax additive Symons '795 teaches using wax additives at Column 11, line 22. With respect to the pH of the resin, it would be an inherent property of the resin since the conditions, resin, amounts are the same as described by applicant therefore the pH would be anticipated by Symons'795.

7. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Symons'153.


Art Unit: 1732

Symons'153 teaches making a lignocellulosic product using a resin mixed maleic anhydride before and during curing. The additive such as wax used in the product is taught in Column 4, line 3. With respect to the amount of maleic anhydride with the resin, the amounts can be found in Column 2, lines 61-63 wherein the anhydride is an the amount of 0.25-25% inclusive. Symons'153 teaches that the lignocellulosic material is resinated with from 1%-300% of the thermoplastic resin. With respect to the pH of the resin, it would be an inherent property of the resin since the conditions, resin, amounts are the same as described by applicant therefore the pH would be anticipated by Symons'153.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert Jr. whose telephone number is 703-305-6156. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P Colaianni can be reached on 703-305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.


Stephen J. Lechert Jr.
Primary Examiner
Art Unit 1732